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| EXAMINER | |
|---|---|
| SALDANO, LISA M | |
| **ART UNIT** | **PAPER NUMBER** |
| 3673 | |

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/659,345 | FULLER, CHARLES L. | |
| | Examiner | Art Unit | |
| | Lisa M. Saldano | 3673 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *11 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 September 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because, in Figure 4, reference character "324" has been used to designate both the pin and the arm portion. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities: On page 16, lines 7 and 11, the applicant has used the reference character "324" for both the elements "pin" and "arm portion." Different elements should have different element numbers.

Appropriate correction is required.

***Claim Objections***

4. Claims 7, 11, 16, 19, and 20 are objected to because of the following informalities:

Regarding claim 7, lines 6-7, the examiner suggests that the applicant rephrase the recitation "said first side and wall" to state "said first side and first wall". This clarifies the claim and uses language that has already been used in prior language of the claim for proper basis.

Regarding claim 11, line 7, the examiner suggests that the applicant insert --portion-- after the phrase "said pole" because prior language in this claim provides basis for a pole portion, as opposed to simply a "pole."

Regarding claim 16, the recitation "in angular orientation to describe therefor an angled sectional contour" in unclear. Specifically, it is not clear what the applicant means by claiming "orientation to *describe* therefor." Please clarify.

Regarding claim 19, line 7, the examiner suggests that the applicant insert --portion-- after the phrase "said pole" because prior language in this claim provides basis for a pole portion, as opposed to simply a "pole."

Regarding claim 20, the recitation "in angular orientation to describe therefor an angled sectional contour" in unclear. Specifically, it is not clear what the applicant means by claiming "orientation to *describe* therefor." Please clarify.

Regarding claim 20, line 25, the examiner suggests that the applicant insert --portion-- after the phrase "said pole" because prior language in this claim provides basis for a pole portion, as opposed to simply a "pole."

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 8, 9, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sovran (6,042,301).

Regarding claims 1, 14 and 15, Sovran discloses a river bank flood barrier comprising spaced pillar or supports units 15 made with H-shaped cross-sections defining an elongate channel and barriers or retention units 20 between the pillars (see Figs.1&5). Sovran discloses that the barriers 20 are watertight members (see abstract). The barriers slidingly engage the channels of the pillars 15. Sovran further discloses that the barriers are formed from slats 51,52 of resilient elastomeric material (see column 3, lines 10-15). Sovran illustrates tongue 55 and groove 54 located in the elastomeric slats 51,52 whereby this formation provides a seal portion (see column 1, lines 40-50). The formation of the pillars and barriers provides an overall barrier section.

Regarding claims 8 and 9, Sovran discloses a transversely projecting base section 38 coupled to the engagement section provided within pillars 15. The base section 38 defines a flanged loading platform with an anchoring member or concrete pile 18 there beneath.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sovran (6,042,301), as applied to claim 1 above.

Sovran discloses the inventions above whereby a brace unit 32 engages a pillar or support unit 15 for reinforcing support of the barrier section. The brace unit 32 comprises anchoring shoe or stabilizing member 36 and rod or tie member 34.

Although Sovran fails to disclose that the brace unit 32 engages the barriers or retention units 20, it would have been obvious to one of ordinary skill in the art given the teaching of Sovran to modify the barrier such that the stay engages the retention unit 20 as well. Sovran clearly discloses that the stay provides a buttress for the pillar 15 permitting it to resist water pressure. Engaging the stay with the retention unit 20 would provide further resistance of the barrier to the forces of water pressure and enhance it's capability as a flood barrier, as motivated by Sovran.

9. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sovran, as applied to claim 1 above, and further in view of Collins (5,404,685).

Sovran discloses the invention as described above comprising spaced pillar or supports units 15 made with H-shaped cross-sections defining an elongate channel and barriers or retention units 20 between the pillars forming barrier sections.

Regarding claim 4, Sovran discloses a plurality of retention units 20 stacked on over another (see Figs. 1&4).

Regarding claim 6, Sovran discloses an intermediate section within the support unit or pillar 15 having an I-shaped section.

However, Sovran fails to explicitly disclose that the barrier section can be joined to form a loop.

Regarding claims 3, Collins discloses a plastic wall wherein panels 20 are inserted into grooves of columns 30 (see Figs.8&9). Collins discloses a column 30 wherein the elongated channels or grooves that form engagement sections are oriented at angles to one another to form corner portions of the wall once the panels 20 are inserted (see Fig. 9 and column 3, lines 20-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the pillars of Sovran to incorporate support units with angled engagement sections because both inventions are directed to creation of a modular barrier. The barriers may be required to enclose a specific area, and to do so, one would require the barriers to form a loop. It is common knowledge that the provision of at least four barrier sections oriented at perpendicular angles to adjacent sections, as taught by Collins, will yield a loop.

Regarding claim 5, it would be obvious to one of ordinary skill in the art at the time of the invention that four sections barrier sections connected by four columns, such as the column 30 in Fig.9 of Collins would yield at least two columns being offset in angular orientation from one another.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sovran in view of Collins, as applied to claim 5 above, in further view of Lefebvre (6,394,705).

Sovran and Collins described the inventions as described above. Specifically, Sovran discloses spaced pillar or supports units 15 made with H-shaped cross-sections defining an elongate channel and barriers or retention units 20 between the pillars forming barrier sections.

However, Sovran and Collins fail to disclose retention slots and ribs in the engagement sections of the pillars or support units.

Lefebvre discloses a modular flood containment structure comprising interlocking block bodies 10 with ribs or tenons 36 that are designed to fit into slots or mortices 42 of an adjacent block (see Figs. 2&6 and column 4, lines 5-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the pillar and retention units of Sovran to include ribs and slots, as taught by Lefebvre, because they provide a tighter and more reliable fit for the pillars relative to the retention units. Furthermore, they also enhance the water-tightness of the joint of the two elements.

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sovran, as applied to claim 9 above, and further in view of Hunt et al (4,885,877).

Sovran discloses the invention as described above comprising a transversely projecting base section 38 coupled to the engagement section provided within pillars 15. The base section 38 defines a flanged loading platform with an anchoring member or hollow concrete pile 18 there beneath. The pile is used to store the pillar when the barrier system is not in use.

However, Sovran fails to disclose that the base section may be anchored by a plurality or spikes.

Hunt et al disclose a frame structure comprising a plurality of parallel spaced apart frame assemblies connected together my joining sections (see abstract). Hunt et al disclose a frame member 106 connected to a base plate 95 through which ground spikes may be driven to anchor the frame into the ground (see Fig. 16 and column 5, lines 5-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the base plate of Sovran with the plate as spike anchorage, as taught by Hunt et al,

because Sovran merely discloses the hollow pile anchorage for storage purposes. It would have been obvious to one of ordinary skill in the art to provide a simple plate and spike anchorage to the ground, as suggested by Hunt et al if the user of the barrier system did not require the pillar of the invention to be stored on the premises.

12. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sovran, as applied to claim 2 above, and further in view of Ball et al (6,264,172).

Sovran discloses the inventions above whereby a brace unit 32 engages a pillar or support unit 15 for reinforcing support of the barrier section. The brace unit 32 comprises anchoring shoe or stabilizing member 36 and rod or tie member 34. Sovran also discloses holes within the pillar with pins 46 for adjusting the height of the barrier relative to the ground.

However, Sovran fails to disclose a brace unit wherein the stabilizing member has holes there through and the tie member has a collar, arm and hook portion.

Regarding claims 11-12, Ball et al disclose an electric fence comprising a mounting configuration wherein a pole 20 of a fence is secured to an anchor member 50. The anchor member 50 may comprise stakes driven into the ground. The connection further includes mounting arms 22 with a collar and hooks at the far end for engaging pole 20 (see Fig.5 and column 3, lines 15-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the brace unit of Sovran to include the brace unit suggested by Ball et al because both inventions teach bracing of the fence. Both methods are functionally equivalent means to provide

the barrier with resistance to adverse pressures applied to portions of the fence. The difference in methods of bracing is a matter of design choice.

Furthermore, regarding the limitation of the tie member being adjustably coupled to a stabilizing member, Sovran teaches the use of a plurality of holes and a pin to provide height adjustable connections of a pillar to the base. The teaching reinforces a commonly know method for providing height adjustability in structures and it would have been obvious to one of ordinary skill in the art to apply this method as claimed by the applicant of the present invention.

Regarding claim 13, although Sovran fails to disclose that the brace unit 32 engages the barriers or retention units 20, it would have been obvious to one of ordinary skill in the art given the teachings of Sovran and Ball et al to modify the barrier such that the stay engages the retention unit 20 as well. Sovran clearly discloses that the stay provides a buttress for the pillar 15 permitting it to resist water pressure. Engaging the stay with the retention unit 20 would provide further resistance of the barrier to the forces of water pressure and enhance it's capability as a flood barrier, as motivated by Sovran.

13. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sovran (6,042,301) in view of Collins (5,404,685).

Sovran discloses the invention as described above comprising spaced pillar or supports units 15 made with H-shaped cross-sections defining an elongate channel and barriers or retention units 20 between the pillars forming barrier sections. Sovran discloses that the barriers 20 are watertight members (see abstract). The barriers slidingly engage the channels of the pillars

15. Sovran further discloses that the barriers are formed from slats 51,52 of resilient elastomeric material (see column 3, lines 10-15). Sovran illustrates tongue 55 and groove 54 located in the elastomeric slats 51,52 whereby this formation provides a seal portion (see column 1, lines 40-50). The formation of the pillars and barriers provides an overall barrier section. Sovran discloses a brace unit 32 that engages a pillar or support unit 15 for reinforcing support of the barrier section. The brace unit 32 comprises anchoring shoe or stabilizing member 36 and rod or tie member 34. Sovran also discloses holes within the pillar with pins 46 for adjusting the height of the barrier relative to the ground.

However, Sovran fails to explicitly disclose that the pillars may be offset in angular orientation.

Collins discloses a plastic wall wherein panels 20 are inserted into grooves of columns 30 (see Figs.8&9). Collins discloses a column 30 wherein the elongated channels or grooves that form engagement sections are oriented at angles to one another to form corner portions of the wall once the panels 20 are inserted (see Fig. 9 and column 3, lines 20-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the pillars of Sovran to incorporate support units with angled engagement sections because both inventions are directed to creation of a modular barrier. The barriers may be required to enclose a specific area, and to do so, one would require the barriers to form a loop. It is common knowledge that the provision of at least four barrier sections oriented at perpendicular angles to adjacent sections, as taught by Collins, will yield a loop. Furthermore, it would be obvious to one of ordinary skill in the art at the time of the invention that four sections barrier

sections connected by four columns, such as the column 30 in Fig.9 of Collins would yield at least two columns being offset in angular orientation from one another.

14. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sovran in view of Collins, as applied to claim 16 above, in further view of Lefebvre (6,394,705).

Sovran and Collins described the inventions as described above. Specifically, Sovran discloses spaced pillar or supports units 15 made with H-shaped cross-sections defining an elongate channel and barriers or retention units 20 between the pillars forming barrier sections.

However, Sovran and Collins fail to disclose retention slots and ribs in the engagement sections of the pillars or support units.

Lefebvre discloses a modular flood containment structure comprising interlocking block bodies 10 with ribs or tenons 36 that are designed to fit into slots or mortices 42 of an adjacent block (see Figs. 2&6 and column 4, lines 5-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the pillar and retention units of Sovran to include ribs and slots, as taught by Lefebvre, because they provide a tighter and more reliable fit for the pillars relative to the retention units. Furthermore, they also enhance the water-tightness of the joint of the two elements.

15. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sovran in view of Collins, as applied to claim 16 above, and further in view of Hunt et al (4,885,877).

Sovran and Collins disclose the inventions as described above. Specifically, Sovran discloses the invention as described above comprising a transversely projecting base section 38

coupled to the engagement section provided within pillars 15. The base section 38 defines a flanged loading platform with an anchoring member or hollow concrete pile 18 there beneath. The pile is used to store the pillar when the barrier system is not in use.

However, Sovran and Collins fail to disclose that the base section may be anchored by a plurality or spikes.

Hunt et al disclose a frame structure comprising a plurality of parallel spaced apart frame assemblies connected together my joining sections (see abstract). Hunt et al disclose a frame member 106 connected to a base plate 95 through which ground spikes may be driven to anchor the frame into the ground (see Fig. 16 and column 5, lines 5-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the base plate of Sovran with the plate as spike anchorage, as taught by Hunt et al, because Sovran merely discloses the hollow pile anchorage for storage purposes. It would have been obvious to one of ordinary skill in the art to provide a simple plate and spike anchorage to the ground, as suggested by Hunt et al if the user of the barrier system did not require the pillar of the invention to be stored on the premises.

16. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sovran in view of Collins, as applied to claim 16 above, and further in view of Ball et al (6,264,172).

Sovran and Collins disclose the inventions as described above. Specifically, Sovran discloses the inventions above whereby a brace unit 32 engages a pillar or support unit 15 for reinforcing support of the barrier section. The brace unit 32 comprises anchoring shoe or

stabilizing member 36 and rod or tie member 34. Sovran also discloses holes within the pillar with pins 46 for adjusting the height of the barrier relative to the ground.

However, Sovran and Collins fail to disclose a brace unit wherein the stabilizing member has holes there through and the tie member has a collar, arm and hook portion.

Ball et al disclose an electric fence comprising a mounting configuration wherein a pole 20 of a fence is secured to an anchor member 50. The anchor member 50 may comprise stakes driven into the ground. The connection further includes mounting arms 22 with a collar and hooks at the far end for engaging pole 20 (see Fig.5 and column 3, lines 15-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the brace unit of Sovran to include the brace unit suggested by Ball et al because both inventions teach bracing of the fence. Both methods are functionally equivalent means to provide the barrier with resistance to adverse pressures applied to portions of the fence. The difference in methods of bracing is a matter of design choice.

Furthermore, regarding the limitation of the tie member being adjustably coupled to a stabilizing member, Sovran teaches the use of a plurality of holes and a pin to provide height adjustable connections of a pillar to the base. The teaching reinforces a commonly know method for providing height adjustability in structures and it would have been obvious to one of ordinary skill in the art to apply this method as claimed by the applicant of the present invention.

Although Sovran fails to disclose that the brace unit 32 engages the barriers or retention units 20, it would have been obvious to one of ordinary skill in the art given the teachings of Sovran and Ball et al to modify the barrier such that the stay engages the retention unit 20 as well. Sovran clearly discloses that the stay provides a buttress for the pillar 15 permitting it to

resist water pressure. Engaging the stay with the retention unit 20 would provide further resistance of the barrier to the forces of water pressure and enhance it's capability as a flood barrier, as motivated by Sovran.

17. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sovran (6,042,301) in view of Collins (5,404,685) and Hunt et al (4,885,877) and Ball et al (6,264,172).

Sovran discloses the invention as described above.

However, Sovran fails to explicitly disclose that the pillars may be offset in angular orientation. Sovran also fails to disclose that the base section may be anchored by a plurality or spikes. Sovran also fails to disclose a brace unit wherein the stabilizing member has holes there through and the tie member has a collar, arm and hook portion.

Collins discloses a plastic wall wherein panels 20 are inserted into grooves of columns 30 (see Figs.8&9). Collins discloses a column 30 wherein the elongated channels or grooves that form engagement sections are oriented at angles to one another to form corner portions of the wall once the panels 20 are inserted (see Fig. 9 and column 3, lines 20-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the pillars of Sovran to incorporate support units with angled engagement sections of Collins because both inventions are directed to creation of a modular barrier. The barriers may be required to enclose a specific area, and to do so, one would require the barriers to form a loop. It is common knowledge that the provision of at least four barrier sections oriented at perpendicular angles to adjacent sections, as taught by Collins, will yield a loop. Furthermore, it would be obvious to one of ordinary skill in the art at the time of the invention that four sections barrier

sections connected by four columns, such as the column 30 in Fig.9 of Collins would yield at least two columns being offset in angular orientation from one another.

Hunt et al disclose a frame structure comprising a plurality of parallel spaced apart frame assemblies connected together my joining sections (see abstract). Hunt et al disclose a frame member 106 connected to a base plate 95 through which ground spikes may be driven to anchor the frame into the ground (see Fig. 16 and column 5, lines 5-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the base plate of Sovran with the plate as spike anchorage, as taught by Hunt et al, because Sovran merely discloses the hollow pile anchorage for storage purposes. It would have been obvious to one of ordinary skill in the art to provide a simple plate and spike anchorage to the ground, as suggested by Hunt et al if the user of the barrier system did not require the pillar of the invention to be stored on the premises.

Ball et al disclose an electric fence comprising a mounting configuration wherein a pole 20 of a fence is secured to an anchor member 50. The anchor member 50 may comprise stakes driven into the ground. The connection further includes mounting arms 22 with a collar and hooks at the far end for engaging pole 20 (see Fig.5 and column 3, lines 15-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the brace unit of Sovran to include the brace unit suggested by Ball et al because both inventions teach bracing of the fence. Both methods are functionally equivalent means to provide the barrier with resistance to adverse pressures applied to portions of the fence. The difference in methods of bracing is a matter of design choice.

Furthermore, regarding the limitation of the tie member being adjustably coupled to a stabilizing member, Sovran teaches the use of a plurality of holes and a pin to provide height adjustable connections of a pillar to the base. The teaching reinforces a commonly know method for providing height adjustability in structures and it would have been obvious to one of ordinary skill in the art to apply this method as claimed by the applicant of the present invention.

Although Sovran fails to disclose that the brace unit 32 engages the barriers or retention units 20, it would have been obvious to one of ordinary skill in the art given the teachings of Sovran and Ball et al to modify the barrier such that the stay engages the retention unit 20 as well. Sovran clearly discloses that the stay provides a buttress for the pillar 15 permitting it to resist water pressure. Engaging the stay with the retention unit 20 would provide further resistance of the barrier to the forces of water pressure and enhance it's capability as a flood barrier, as motivated by Sovran.

## *Conclusion*

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Forte et al (4,804,299), Darling (5,993,113) and Burdett (3,193,255) disclose features that are pertinent to the present application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Saldano whose telephone number is 703-605-1167. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms

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